

Before the
COPYRIGHT ROYALTY JUDGES
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In the Matter of)	
)	
Distribution of the 2000-2003)	Docket No. 2008-2
Cable Royalty Funds)	CRB CD 2000-2003 (Phase II)
)	

**SETTLING DEVOTIONAL CLAIMANTS' RESPONSE TO ORDER DIRECTING
RECALCULATION OF ROYALTY ALLOCATION IN THE DEVOTIONAL
CATEGORY AND SEEKING ADDITIONAL GUIDANCE**

The Settling Devotional Claimants ("SDC") hereby respond to the Judges' Order Directing Recalculation of Royalty Allocations in the Devotional Category and Seeking Additional Guidance (Aug. 28, 2020) ("Order"). In the SDC's Notice in Response to Judges' Order Directing Parties to Review Calculations of Apportionment of Interest (May 8, 2020) ("SDC Notice"), which the SDC hereby incorporate by reference, the SDC have already stated their core position on the subject matter of the Judges' Order.

Further to the Order, the Judges state, "The SDC speculate that these overallocations occurred because the Licensing Division calculated IPG's accrued interest allocation based on the total funds available to all categories prior to any partial distributions, as opposed to calculating IPG's accrued interest only on those funds that remained undistributed after partial distributions were made." Order at 2. Respectfully, the SDC did not speculate. All statements contained in the SDC Notice were based on careful review of the Licensing Division's calculations and the prior distributions. Therefore, the SDC's conclusions are factual, not speculative.

The SDC recognize the Judges' concern that, "[f]rom an administrative efficiency standpoint, the SDC's proposed Option 1 is the most desirable approach of those that SDC proposed," and that Option 3 "would likely be time-consuming and costly, which may or may not be justified by the end result."

The SDC understand that all information necessary to implement the SDC's proposed Option 3 should presently reside with the Licensing Division, the Phase I parties, and the Phase I parties' common agent, the Office of the Commissioner of Baseball, and may be obtained with the full cooperation of all parties. However, the SDC realize that because certain royalties were distributed to Phase I Parties many years ago (some even more than a decade) and ultimately to many individual claimants within each affected category, recoupment of any amounts found to have been overpaid (including interest thereon) and reallocation of such funds at this late date could be a complicated task.

Understandably, if the Judges, the Licensing Division, and any other interested parties would prefer not to undertake the administrative burdens of such an accounting and recoupment, then the SDC agree that their proposed Option 1 is best. Option 1 would allow the Licensing Division's annual calculations and methodology to stand, provided that the errors in computation of interest due to IPG be corrected. These errors were previously identified by the SDC and acknowledged by the Judges in their Order. Option 1 would clearly be the most desirable from the standpoint of administrative efficiency.

The SDC further underscore that all parties in all other categories (save the Devotional Category) received their full and final distributions without timely raising any discrepancies or other objections, and that only the parties in the Devotional category brought any discrepancies to the Judges' attention. The SDC served the Judges' Order on counsel for all interested parties

known to the SDC, and all parties have had a full and fair opportunity to state any objections they may have. Therefore, to the extent that Option 1 would result in an allocation of any net to the Devotional category, all parties in all other categories should be deemed to have had fair process and to have waived any claim they might have to such funds.

Finally, the SDC note that still pending before the Judges is the SDC's Opposition to WSG's (a/k/a IPG's) Substitution of Parties in Consolidated Docket No. 14-CRB-0010-CD/SD (2010-2013) (filed July 2, 2020). While a final distribution of 2000-2003 cable royalties to SDC need not await a ruling on IPG's motion for substitution, the SDC submit that because of IPG's new ownership and the questions raised by the transfer, the SDC's Opposition is relevant not only to the 2010-2013 proceeding, but also to this 2000-2003 cable royalty distribution proceeding.

September 18, 2020

Respectfully submitted,

SETTLING DEVOTIONAL CLAIMANTS

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Certificate of Service

I certify that on September 18, 2020, I caused a copy of the foregoing to be served on all parties registered to receive notice by eCRB by filing through the eCRB filing system.

/s/ Matthew J. MacLean
Matthew J. MacLean

Proof of Delivery

I hereby certify that on Friday, September 18, 2020, I provided a true and correct copy of the Settling Devotional Claimants' Response to Order Directing Recalculation of Royalty Allocation in the Devotional Category and Seeking Additional Guidance to the following:

Independent Producers Group (IPG), represented by Brian D Boydston, served via ESERVICE at brianb@ix.netcom.com

Signed: /s/ Matthew J MacLean